

The Honorable John H. Chun

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC. *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

**DEFENDANTS' UNOPPOSED  
MOTION FOR LEAVE TO FILE  
OVER-LENGTH MOTION TO  
COMPEL**

NOTE ON MOTION CALENDAR:  
Monday, December 9, 2024

Pursuant to Local Civil Rule 7(f), Defendants respectfully request leave to file a brief of no more than 6,700 words in support of their forthcoming motion to compel. The FTC has consented to Defendants' request.

The additional words Defendants request will aid the parties' presentation of this disputed issue to the Court. Defendants' forthcoming motion will seek to compel a Rule 30(b)(6) deposition on topics related to the FTC's official public statements made during its recently completed negative option rulemaking. The administrative record underlying these topics is lengthy and voluminous. The FTC's relevant rulemaking efforts stretch back to 2009 and include a 2014 regulatory review, a 2019 advanced notice of proposed rulemaking, and a 2023 proposed rule. *See* 88 Fed. Reg. 24716, 24718-19. The final rule alone is 230 pages long<sup>1</sup> and, as the FTC has emphasized, arose out of an extensive record. *See* FTC Office of Public Affairs, *Federal Trade Commission Announces Final "Click-to-Cancel" Rule* (Oct. 16, 2024) (describing

<sup>1</sup> *See* [https://www.ftc.gov/system/files/ftc\\_gov/pdf/p064202\\_negative\\_option\\_rule.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/p064202_negative_option_rule.pdf).

1 the “more than 16,000 comments from consumers and federal and state government agencies,  
2 consumer groups, and trade associations”).

3 Before making this request for extra words, Defendants streamlined their motion  
4 wherever possible. In doing so, Defendants have worked to reduce the word count of the motion  
5 to within the length range this Court previously granted at the FTC’s request. *See* Dkt. 9  
6 (granting the FTC’s request to file a 5,900-word motion); Case No. 2:23-cv-01495-JHC,  
7 Dkt. 321 (granting the FTC’s request to file 7,000-word motion to compel).

8 For these reasons, Defendants respectfully request the Court’s leave to file a brief of no  
9 more than 6,700 words in support of Defendants’ planned motion to compel.

10  
11 DATED this 9th day of December, 2024.

12 I certify that this memorandum contains 274 words, in compliance with the Local Civil  
13 Rules.

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15  
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